

# 2018 Proposed Constitutional Amendments

**Tuesday, November 6, 2018  
Election**



**House Legislative Services  
Louisiana House of Representatives**

August 31, 2018

# Proposed Amendment No. 1

**Do you support an amendment to prohibit a convicted felon from seeking or holding public office or appointment within five (5) years of completion of his sentence unless he is pardoned?**

Act No. 719 of the 2018 Regular Session of the Louisiana Legislature proposes to add Article I, Section 10.1 to the Louisiana Constitution.

# Proposed Amendment No. 1 (continued)

Proposed constitutional amendment would prohibit the following persons from qualifying as a candidate for elective public office or holding elective public office or appointment of honor, trust, or profit in this state:

- (1) A person actually under an order of imprisonment for conviction of a felony.

# Proposed Amendment No. 1 (continued)

- (2) A person who has been convicted within this state of a felony or been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony, who has exhausted all legal remedies, and who has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government, or country having such authority to pardon in the place where the person was convicted and sentenced.

# Proposed Amendment No. 1 (continued)

Proposed constitutional amendment would not prohibit a person convicted of a felony from qualifying as a candidate for elective public office or from holding such elective public office or appointment of honor, trust, or profit if more than five (5) years have elapsed since the completion of his original sentence for the conviction. Additionally, the proposed amendment would not prohibit a person from being employed by the state or a political subdivision.

Act No. 1492 of the 1997 Regular Session proposed similar constitutional provisions that were ratified by the citizens of the state. These provisions were enforced until 2016, when the La. Supreme Court, in the case of *Shepherd v. Schedler*, 2015-CA-1750, held Act No. 1492 to be null and void because the Act was not constitutionally adopted.

# Proposed Amendment No. 2

**Do you support an amendment to require a unanimous jury verdict in all noncapital felony cases for offenses that are committed on or after January 1, 2019?**

Act No. 722 of the 2018 Regular Session of the Louisiana Legislature proposes to amend Article I, Section 17(A) of the Louisiana Constitution.

# Proposed Amendment No. 2 (continued)

Present constitution provides that a case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of 12 persons, 10 of whom must concur to render a verdict.

Proposed constitutional amendment retains the present constitution relative to noncapital felony cases for offenses committed prior to January 1, 2019, but amends the present constitution to provide that a unanimous verdict is required in cases for noncapital felony offenses committed on or after January 1, 2019.

# Proposed Amendment No. 3

**Do you support an amendment to permit, pursuant to written agreement, the donation of the use of public equipment and personnel by a political subdivision upon request to another political subdivision for an activity or function which the requesting political subdivision is authorized to exercise?**

Act No. 717 of the 2018 Regular Session of the Louisiana Legislature proposes to amend Article VII, Section 14(B) of the Louisiana Constitution.



# Proposed Amendment No. 3 (continued)

Present constitution prohibits the loan, pledge, or donation of funds, credit, or property of the state or any of its political subdivisions to or for any person, association, or corporation.

Provides the following exceptions to the prohibition:

- Programs of social welfare for the aid and support of the needy.
- Employer contributions required for public employee pension and insurance programs.
- Securitization of debt and other public obligations.

# Proposed Amendment No. 3 (continued)

- Return of property, including mineral rights, to former owners.
- Acquisition of stock by an institution of higher education in exchange for intellectual property.
- Donation of abandoned or blighted housing property by a municipality or a parish to a nonprofit organization.
- Deduction of certain taxes for the renovation of blighted property.
- Deduction of past due taxes when the owner sells blighted property at less than its approved value.

# Proposed Amendment No. 3 (continued)

- Donation of asphalt removed from state highways to a local governing authority where the asphalt was removed, or if not needed by such governing authority, then to any other governing authority.
- Investment of assets in the Rockefeller Wildlife Refuge Trust and Protection fund and the Russell Sage or Marsh Island Refuge Fund in stocks.
- Investment of up to 35% of the state-funded permanently endowed funds of a public or private college or university in stocks.
- Investment of up to 35% of the assets in the Medicaid Trust Fund for the Elderly in equities.

# Proposed Amendment No. 3 (continued)

Present constitution also excepts the investment of public funds to capitalize a state infrastructure bank to be used solely for transportation projects from the prohibition. Proposed constitutional amendment would also except the loan, pledge, or guarantee of public funds by such a bank for such projects.

Proposed constitutional amendment would also except donation of the use of public equipment and personnel between political subdivisions from the prohibition.

# Proposed Amendment No. 4

**Do you support an amendment to remove authority to appropriate or dedicate monies in the Transportation Trust Fund to state police for traffic control purposes?**

Act No. 720 of the 2018 Regular Session of the Louisiana Legislature proposes to amend Article VII, Section 27(B)(1) of the Louisiana Constitution.

# Proposed Amendment No. 4 (continued)

Present constitution authorizes funds in the Transportation Trust Fund to be used for specific purposes, including construction and maintenance of roads and bridges in the state and federal highway systems, the Statewide Flood-Control Program, ports, airports, transit, the Parish Transportation Fund, and state police for traffic control purposes.

Proposed constitutional amendment removes authority to use monies in the Transportation Trust Fund for state police for traffic control purposes.

# Proposed Amendment No. 5

**Do you support an amendment to extend eligibility for the following special property tax treatments to property in trust: the special assessment level for property tax valuation, the property tax exemption for property of a disabled veteran, and the property tax exemption for the surviving spouse of a person who died while performing their duties as a first responder, active duty member of the military, or law enforcement or fire protection officer?**

Act No. 721 of the 2018 Regular Session of the Louisiana Legislature proposes to add Article VII, Sections 18(G)(6), 21(K)(4) and (M)(4) to the Louisiana Constitution.

# Proposed Amendment No. 5 (continued)

Present constitution provides for the following special tax treatments for residential property subject to the homestead exemption:

(1) A special assessment level to homesteads of people 65 or older that prohibits the assessment of the homestead from increasing above the property's total assessed value for the first year that the owner qualifies for and receives the special assessment level. This provision does not apply if the property owner had an adjusted gross income in excess of \$71,491 for tax year 2016, which income level limitation is adjusted annually by the Consumer Price Index.



# Proposed Amendment No. 5 (continued)

(2) An ad valorem tax exemption equal to \$7,500 of a property's assessed value for a military veteran with a 100% disability rating or their surviving spouse.

(3) A 100% ad valorem tax exemption for the surviving spouse of a person who died while performing their duty as a member of the U.S. armed forces or the La. National Guard, or as a state police, law enforcement, or fire protection officer, or as a volunteer firefighter, or as an emergency medical responder, technician, or paramedic.

Proposed constitutional amendment extends eligibility for the special assessment value and the two exemptions to certain trusts if the settlors of the trust meet the requirements of present constitution and as may be provided in law.

# Proposed Amendment No. 6

**Do you support an amendment that will require that any reappraisal of the value of residential property by more than 50%, resulting in a corresponding increase in property taxes, be phased-in over the course of four years during which time no additional reappraisal can occur and that the decrease in the total ad valorem tax collected as a result of the phase-in of assessed valuation be absorbed by the taxing authority and not allocated to the other taxpayers?**

Act No. 718 of the 2018 Regular Session of the Louisiana Legislature proposes to amend Article VII, Section 18(A) and (F) of the Louisiana Constitution.

# Proposed Amendment No. 6 (continued)

Present constitution requires all property subject to taxation to be reappraised and valued at intervals of not more than four years. This is known as "statewide reassessment".

Proposed constitutional amendment adds a requirement that if the assessed value on a residential property increases by 50% or more over the prior year due to a statewide reassessment, any additional tax liability resulting from the increase in the property's assessed value shall be phased-in over a four year period.

Proposed constitutional amendment provides that the phase-in of additional ad valorem tax liability following reassessment ceases to apply upon the transfer or conveyance of ownership of the property.

# Proposed Constitutional Amendments



Tuesday, November 6, 2018

## **Amendment No. 1**

Prohibits convicted felons from qualifying for elective office until five years have passed since completing their sentence.

## **Amendment No. 2**

Requires unanimous jury verdicts in felony cases.

## **Amendment No. 3**

Permits the donation of the use of public equipment and personnel between political subdivisions.

## **Amendment No. 4**

Removes authority to fund state police traffic control from the Transportation Trust Fund.

## **Amendment No. 5**

Extends special property tax treatment to property in a trust.

## **Amendment No. 6**

Allows for phased-in increases in property taxes.